

# Exhibit B

**(Excerpt of October 10, 2017 Letter from NYSDHR to Davis Polk Enclosing  
Cardwell's Verified Complaint with NYSDHR Caption)**



## Division of Human Rights

ANDREW M. CUOMO  
Governor

HELEN DIANE FOSTER  
Commissioner

October 10, 2017

Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, NY 10017

Re: Kaloma Cardwell v. Davis Polk & Wardwell LLP  
Case No. 10190523

Enclosed is a copy of a verified complaint filed with the Division of Human Rights against you. This complaint, which alleges an unlawful discriminatory practice in violation of the New York State Human Rights Law, is being served upon you pursuant to Section 297.2 of the Human Rights Law (N.Y. Exec. Law, art. 15).

Please submit a response **in duplicate** to each and every allegation in the complaint, complete the enclosed Respondent Information Sheet, and return the response and Information Sheet to the Division, at the address below, **within fifteen (15) calendar days from the date of this letter**. The Division will not extend the time for this response, unless good cause is shown in a written application, submitted at least five (5) calendar days prior to the time the response is due. **Failure to respond could result in an adverse finding against you, which would be shared with, among others, the Secretary of State and the applicable State licensing agencies that govern your business.**

The Human Rights Law prohibits retaliation against any person because he or she has opposed discriminatory practices, filed a discrimination complaint, or participated in any proceeding before the Division. Human Rights Law § 296.7.

Anyone who willfully resists, prevents, impedes or interferes with the Division's investigation shall be guilty of a misdemeanor punishable by imprisonment, by fine, or by both. Human Rights Law § 299.

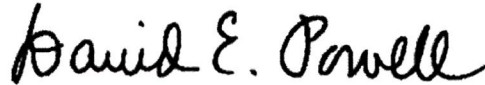
As the enclosed information sheet provides, the Division will conduct a prompt investigation, based on the complaint and your response, which may include interviews with your representatives and the collection of documents. The Division expects your full cooperation in this investigation. After the investigation is completed, the Division will make a determination as to whether there is probable cause to believe that unlawful discrimination has occurred. You will be notified of this determination.

**Protection of personal privacy:** In most cases, you will be expected to submit documents in support of your response to the complaint. The Division observes a personal privacy protection policy consistent with Human Rights Law § 297.8 which governs what

information the Division may disclose, and the N.Y. Public Officer's Law § 89 and § 96-a, which prohibit disclosure of social security numbers and limit further disclosure of certain information subject to personal privacy protection. Please redact or remove personal information from any documentation submitted to the Division, unless and until the Division specifically requests any personal information needed for the investigation. The following information should be redacted: the first five digits of social security numbers; dates of birth; home addresses and home telephone numbers; any other information of a personal nature. The following documentation should not be submitted unless specifically requested by the Division: medical records; credit histories; resumes and employment histories. The Division may return your documents if they contain personal information that was not specifically requested by the Division. If you believe that inclusion of any such personal information is necessary to your response, please contact me to discuss before submitting such information.

If you have any questions about the process generally, or how to submit your response, please call me at (212) 961-8650.

Very truly yours,

A handwritten signature in black ink that reads "David E. Powell". The signature is written in a cursive, flowing style.

David E. Powell  
Regional Director

Enclosures:  
Verified Complaint  
Respondent Contact Information Form  
Information for Respondents

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

TO:

Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, NY 10017

PERSON FILING CHARGE:

Kaloma Cardwell  
THIS PERSON (Check one):  
Claims to be aggrieved ☒   
Files on behalf of other(s) ☐   
DATE OF ALLEGED VIOLATION:  
7/1/2017  
PLACE OF ALLEGED VIOLATION:  
New York County  
EEOC CHARGE NUMBER:  
520-2017-03247  
FEPA CHARGE NUMBER:  
10190523

NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964  
☐ The Age Discrimination in Employment Act of 1967 (ADEA)  
☐ The Americans with Disabilities Act (ADA)

HAS BEEN RECEIVED BY: The New York State Division of Human Rights (FEP Agency) and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon expiration of any deferral requirements if this is a Title VII or ADA charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the FEP Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the FEP Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the FEP Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final decision and order of the above named FEP Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission.

For further correspondence on this matter, please use the charge number(s) shown.

- ☐ An Equal Pay Act investigation (29 U.S.C. §206(d)) will be conducted by the Commission concurrently with the FEP Agency's investigation of the charge.

- ☒ Enclosure: Copy of the Charge

BASIS FOR DISCRIMINATION: Race/Color, Opposed Discrimination/Retaliation

CIRCUMSTANCES OF ALLEGED VIOLATION:

SEE ATTACHED N.Y.S. DIVISION OF HUMAN RIGHTS COMPLAINT

DATE: October 10, 2017

TYPED NAME OF AUTHORIZED EEOC OFFICIAL:  
Kevin J. Berry



**Respondent Contact Information**

Return to:  
**NYS Division of Human Rights**  
**Upper Manhattan Regional Office**  
**163 West 125th Street, Room 401**  
**New York, New York 10027**

Re: Kaloma Cardwell v. Davis Polk & Wardwell LLP  
SDHR NO: 10190523

Correct legal name of Respondent: \_\_\_\_\_

Federal Employer Identification Number (FEIN): \_\_\_\_\_

Contact person for this complaint:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Telephone No: (\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Is the firm a publicly traded corporation, privately owned, or a d/b/a? If yes, please indicate:

\_\_\_\_ Publicly traded corporation    \_\_\_\_ Privately owned corporation    \_\_\_\_ d/b/a

If privately owned or d/b/a, list names and addresses of all individuals who have an ownership interest in the Respondent (attach additional sheets if necessary)

Do you have an attorney for this matter: Yes \_\_\_\_ No \_\_\_\_ If yes:

Attorney Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Telephone No: (\_\_\_\_) \_\_\_\_\_

Will you participate in settlement/conciliation? Yes \_\_\_\_ No \_\_\_\_ If yes, for this purpose please contact:

Name: \_\_\_\_\_ Telephone No: (\_\_\_\_) \_\_\_\_\_

(Settlement discussions will not delay the investigation and participation in settlement does not provide good cause for an extension of time to respond to the complaint.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

KALOMA CARDWELL,

Complainant,

v.

DAVIS POLK & WARDWELL LLP,

Respondent.

VERIFIED COMPLAINT  
Pursuant to Executive Law,  
Article 15

Case No.  
**10190523**

Federal Charge No. 520-2017-03247

I, Kaloma Cardwell, residing at 10 West 135th Street, Apt 1B, New York, NY, 10037, charge the above named respondent, whose address is 450 Lexington Avenue, New York, NY, 10017 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 7/1/2017.

The allegations are:

**SEE ATTACHED**

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

*PK*